

**STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT – SAN FRANCISCO**

In the Matter of	)	Case No. 05-R-05144-JMR
	)	
<b>ANDREW M. COHEN,</b>	)	<b>DECISION</b>
	)	
A Petitioner for Reinstatement.	)	
	)	
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**I. INTRODUCTION**

Petitioner **Andrew M. Cohen** seeks to be reinstated as a member of the State Bar of California, following his resignation *without* charges pending. He filed his petition for reinstatement on December 6, 2005. Petitioner was represented by counsel Marcia Doré-Perez. The State Bar was represented by Deputy Trial Counsel Robert A. Henderson of the Office of the Chief Trial Counsel. In a response filed January 13, 2006, the State Bar stated that it did not oppose the petition and waived further discovery and trial. Thereafter, the parties waived review at a status conference. On January 18, 2006, petitioner filed a supplement to the petition. The matter was submitted for decision on January 20, 2006.

Petitioner has demonstrated, by clear and convincing evidence, that he has satisfied the requirements for reinstatement to the practice of law. Therefore, the court recommends that petitioner be reinstated to the practice of law in California.

**II. FINDINGS OF FACT AND CONCLUSIONS OF LAW**

**A. Petitioner's Background**

Petitioner was admitted to the practice of law in the State of California on January 9, 1969, and was a member of the State Bar until he resigned without charges pending. His resignation was accepted by the Supreme Court effective April 23, 2005, in case No. S132315.

Petitioner submitted a declaration in support of his reinstatement and declared as follows:

Petitioner is a retired workers' compensation judge. After 14 years, nine of which were as the presiding judge in San Jose, he retired in October 2003. During his 14 years as a judge, he maintained inactive membership status with the State Bar of California. Upon retiring, he allowed his dues obligations to go into arrears during the 2004 and 2005 calendar years.

In 2005, upon receiving his renewal notice and statement of dues arrearage, petitioner subsequently petitioned to resign in March. He stated that it was an action taken in haste without inquiring of the State Bar about all of his options. Petitioner did not think to maintain inactive status or ask for a waiver, with the mistaken belief that he would not need to utilize his law training in the future.

Shortly thereafter, in June 2005, petitioner was offered the position of Executive Director of Community Legal Services in East Palo Alto (CLS), a nonprofit legal services corporation that offers legal assistance in housing, juvenile and immigration law to low-income families that would otherwise not be able to afford such assistance. It was required by the CLS board as a condition of his employment as the new Executive Director of CLS to regain active bar status.

Currently, petitioner is the Executive Director of CLS and since December 2004, he has been a member of Menlo Park's City Council. Petitioner stated that his "retirement" brought him to other more fulfilling endeavors that now require that he be an active member of the bar in order to help those who so desperately need legal assistance.

Petitioner stated that he realizes how precious his state bar membership was and would not have resigned in haste had he known what an asset his bar membership would be to the low-income community he now serves. He was not aware of how difficult it would be to regain active status after resigning. Petitioner believes his mistake was the result of having maintained inactive status for so many years, coupled with his innate preference to not be in arrears, as well as the mistaken notion that his usefulness as a person with legal training was at an end. Therefore, he now seeks reinstatement as a member of the California State Bar.

Petitioner does not have any charges pending either with the State Bar or in the criminal court. There are no reimbursement requests pending with the Client Security Fund regarding

petitioner. He has no outstanding State Bar membership fees.

**B. California Rules of Court, Rule 951(f), and Rule 665(c) of the Rules of Procedure of the State Bar**

To be reinstated to the practice of law, a petitioner who resigned without charges pending must establish by clear and convincing evidence that he has passed a professional responsibility examination, has present moral qualifications for reinstatement and has present ability and learning in the general law. (Cal. Rules of Court, rule 951(f); Rules Proc. of State Bar, rule 665(c).)

**C. Professional Responsibility Examination**

Petitioner has complied with California Rules of Court, rule 951(f), by taking and passing the August 2005 Multistate Professional Responsibility Examination.

**D. Character Witnesses**

Ten individuals testified in writing as to petitioner's moral character and present learning and ability in the general law in support of his reinstatement. Five of whom are attorneys and/or administrative law judges.

The witnesses included: Patricia L. Walker, Esq.; Jack Morris, former Mayor of Menlo Park; James R. Madison, Esq.; William L. McClure, Esq.; Soheila Khalili, a former client; Douglas A. Bird, Administrative Law Judge; Ruth S. Mechaneck, Ph.D.; Morgan Wain; Pattie L. Fry; and George L. Knott, Administrative Law Judge.

The character witnesses all substantiated petitioner's excellent moral character and extensive community work. They attest to his honesty, integrity, trustworthiness and compassion for the "little guy." They praise his dedication and commitment to his community, such as delivering meals-on-wheels for elderly people and currently serving as a city councilman in Menlo Park. They believe his readmission to the State Bar in order to serve as Executive Director of CLS would greatly assist the organization by allowing him to supervise the volunteer attorneys and law students working there and would be a credit to the profession. They further opine that petitioner is one of the kindest and most caring people that they know and is among the rarest breed of men in politics – deeply concerned with the public good and disinterested in personal gain. He has demonstrated over a long career as an advocate for the underprivileged, both as a lawyer and as a judge.

**E. Moral Qualifications**

As to moral qualifications, the question before the court is “whether Petitioner is a fit and proper person to practice law at this time.” (*Pacheco v. State Bar* (1987) 43 Cal.3d 1041.) “Letters of recommendation and the favorable testimony, especially that of employers and attorneys, are entitled to considerable weight. [Citations.]” (*Feinstein v. State Bar* (1952) 39 Cal.2d 541, 547.)

Here, petitioner presented ten credible character witnesses who attest to his high moral character. Their opinion and knowledge of petitioner are that he is of good moral character. Petitioner also has demonstrated that he is fit to practice law in California in view of his lengthy period of blemish-free career. Thus, petitioner has proven by clear and convincing evidence the requisite good moral character for reinstatement to the practice of law.

**F. Present Learning and Ability in the General Law**

The court finds by clear and convincing evidence that petitioner possesses present learning and ability in the general law required for reinstatement. Petitioner had been a Workers’ Compensation Administrative Law Judge for 14 years until October 2003. His duties and responsibilities as an administrative law judge and as a current Executive Director of CLS demonstrate that petitioner possesses the required present learning and ability in the general law. In addition, his character witnesses attest to his exceptional legal knowledge and ability in the general law.

**III. RECOMMENDATION**

The court concludes that petitioner has sustained his burden by establishing: (1) that he passed the Multistate Professional Responsibility Examination; (2) that he possesses present moral qualifications; and (3) that he has present learning and ability in the general law. Accordingly, the court recommends that the petition be **GRANTED** and that **ANDREW M. COHEN** be reinstated as a member of the State Bar of California. Furthermore, since the parties have waived review, the clerk of the State Bar Court is directed to transmit this matter to the Supreme Court without delay.

Dated: March 2, 2006

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**JOANN M. REMKE**  
Judge of the State Bar Court

